

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Kyle Greene and Krystle Greene,

File No. 25-cv-703 (ECT/ECW)

Plaintiffs,

v.

**ORDER**

Katherine Simpson; Celeste Simpson, Carmen Simpson Revocable Trust; Brian Cross; Larry Jensen; Thomton, Sperry, Jensen & Keithan, Ltd; Jenny Adams; The Shadow man; Jensen & Cross, Ltd.; and Brandi Scheifelbein,

Defendants.

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Plaintiffs Kyle Greene and Krystle Greene have filed a Motion for Leave to Amend their Complaint. ECF No. 21. Pursuant to Federal Rule of Civil Procedure 15(a)(1)(A), no motion is required. *See* ECF No. 3 at 4 (showing service effected April 10, 2025).<sup>1</sup> Regardless, the Greene's motion will be granted. *See* Fed. R. Civ. P. 15(a)(2) ("The court should freely give leave [to amend] when justice so requires.").

Defendants Brian Cross, Larry Jensen, Jensen & Cross, Ltd., Jenny Adams, Carmen Simpson Revocable Trust, Celeste Simpson, and Katherine Simpson have filed motions to dismiss. ECF Nos. 4, 10, 24. Though these motions appear to be directed at the original Complaint [ECF No. 1], they will be treated as if they were directed against the operative First Amended Complaint [ECF No. 22]. Regardless, if Defendants would like to file

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<sup>1</sup> ECF No. 3 shows service on eight of the nine original defendants. *See id.* at 4. It does not appear Katherine Simpson has been served. *See id.* Brandi Scheifelbein was not named as a defendant in the original Complaint [ECF No. 1], but was added as a defendant in the First Amended Complaint [ECF No. 22].

supplemental briefs in support of their motions to dismiss, they may do so by May 27, 2025. The deadlines for subsequent briefs will be adjusted to account for these developments.

Therefore, based on the foregoing, and on all the files, records, and proceedings herein, **IT IS ORDERED THAT:**

1. Plaintiffs' Motion for Leave to Amend [ECF No. 21] is **GRANTED**. The First Amended Complaint [ECF No. 22] shall be the operative complaint.
2. Plaintiffs' Motion to Take Judicial Notice [ECF No. 20] is **DENIED** for failure to comply with D. Minn. LR 7.1.
3. Defendants may, but are not required to, file supplemental opening briefs in support of their motions to dismiss. Any supplemental brief filed pursuant to this permission shall be filed on or before May 27, 2025.
4. Plaintiffs' brief or briefs in response to Defendants' motions shall be filed on or before June 17, 2025.
5. Defendants' reply briefs shall be filed on or before July 1, 2025.
6. Unless ordered otherwise herein, the parties' briefs and accompanying submissions, if any, shall comply with all applicable Local Rules.
7. The Court will review the parties' submissions and determine whether a hearing will be ordered. The parties will be notified promptly of the Court's determination.

Dated: May 12, 2025

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court